

ORDINANCE NO. 17-485

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY AMENDING DEFINITION OF "IN KIND/SAME KIND" IN SECTION 4-3, DEFINITIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 4, DEVELOPMENT, BUILDING AND CONSTRUCTION, TO REMOVE THE REFERENCES TO ACCESSORY DRIVEWAY, GARAGE, AND SWIMMING POOL; PROVIDING A PENALTY IN THE AMOUNT OF \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the City Council of the City of Bunker Hill Village, Texas has determined that the definition of "in kind/same kind" in Chapter 4, Development, Building and Construction, of its Code of Ordinances should be amended in accordance with the provisions of this ordinance; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of its citizens to amend the definition of "in kind/same kind" as provided in this ordinance; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

Section 1. The facts and matters contained in the preamble of this ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Bunker Hill Village, Texas is hereby amended by deleting from the definition of "in kind/same kind" contained in Section 4-3, Definitions, of Article I, In General, of Chapter 4, Development, Building and Construction, the language struckthrough below and adding thereto the language underscored below, such definition to read as follows:

“Article I. – In General.

Section 4-3. – Definitions.

.....

In kind/same kind shall mean a reconstruction of ~~accessory or driveway~~ structures whereby the new project consists of the same land use, location, and size or less as previously in place, ~~such as the reconstruction of a garage or swimming pool.~~

.....

These definitions shall define the requirements for various provisions including but not limited to the following:

Event	Zoning	Building	Drainage	Trees
New construction	Yes	Yes	Yes	Yes
Reconstruction	Yes	Yes	Yes	Yes
Expansion/addition > 200 s.f.,	Yes	No to existing; Yes to new; No to sprinklers	Yes	Yes* See provision for tenured ownership of home
< 200 s.f.	Yes	Yes	No	No
Remodel/Maintenance	No	No	No	No
Non-main structure—In kind/same kind	Plan review and a permit is required, "In Kind/Same Kind" considered as a maintenance project			
<u>Main Structure – In Kind/Same Kind</u>	<u>Plan review and permit(s) required; “In Kind/Same Kind” Main Structure is considered a Reconstruction Project given there are no changes to the existing footprint or exterior structural components. Changes to windows and doors to address current safety and code requirements for egress are allowed.</u>			

Section 3. Any person, corporation, or entity who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.

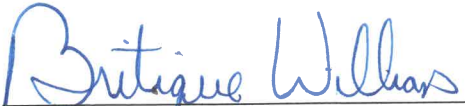
Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bunker Hill Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on this 14 day of November, 2017.



Jay Williams, Mayor

ATTEST:



Britique Williams, City Secretary